

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

HERBERT DEMETRIUS MCINTOSH,	:	
Petitioner,	:	
vs.	:	CRIMINAL ACTION 07-00189-KD-B
	:	CIVIL ACTION 10-00152-KD
UNITED STATES OF AMERICA,	:	
Respondent.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated June 11, 2012 is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that the Respondent's motion to dismiss the Petitioner's claims as untimely (Doc. 120) is **DENIED**. It is further **ORDERED** that the Petitioner shall file a proposed amended petition within thirty (30) days of the date of this Order, to be considered in conjunction with the pending motion.¹

DONE and ORDERED this the 9th day of **July 2012**.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE

¹ The proposed amended petition must be submitted on the Court's current § 2255 form.